

JUL 19 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LASHAWN JERMAINE JOHNSON,

Defendant - Appellant.

No. 10-30029

D.C. No. 1:06-cr-00079-JDS

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Jack D. Shanstrom, District Judge, Presiding

Submitted July 12, 2011**

Before: SCHROEDER, ALARCÓN, and LEAVY, Circuit Judges.

Lashawn Jermaine Johnson appeals from the 353-month sentence imposed following his jury-trial conviction for various drug offenses involving cocaine base. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Johnson contends that his sentence is substantively unreasonable because the sentence fails to account for the crack/powder disparity and other 18 U.S.C. § 3553(a) sentencing factors. In light of the totality of the circumstances and the factors set forth in section 3553(a), the sentence is substantively reasonable. *See United States v. Carty*, 520 F.3d 984, 993 (9th Cir. 2008) (en banc).

AFFIRMED.